O/E.A.(R.A)D/52

1952

File No. 33/52

Legal Department

G. **BRANCH**

P=H/E

Subject:—

Essential Articles (Rural Areas) Distribution, Order 1952

O/E.A.(R.A)D/52

File No. 33/52

Gen. 194 e.

C O N T E N T S.

Legal Department File No. O. E.A.(R.A.) D/1952

Sr. No:	R.I./	O.No.	Subject	Pages
			Essential Articals(Rural Areas) Distribution Order 1953.	
1.		G-704 22-12-52	Question whether the licences and authorisations issued under the Bombay Flour Mills(Chakki)Licensing order, 1949 and the Bombay Essential Articles (Rural Areas) Distribution Order, 1949, respectively would be valid ; if issued under the signature of the Dist.Supply Officer according to the general instructions of the Dist. Magistrate or whether such authorisations and licences should be signed by the Dist. Magistrate personally so long as the orders do not provide for the the Dist.Magistrates' authorising the Dist.Supply Officers in this respect.	1-2-

MHB 4856 C.S

PHK 3/8

MHB 3/8

Office of the R.L.A

The R.L.A. is requested to give advise on the following question -

"Whether the licences and authorisations issued under the Bombay Flour Mills(Chakki) Licensing) Order, 1949 and the Bombay Essential Articles(Rural Areas) Distribution Order, 1949 respectively would be valid if issued under the signature of the District Supply Officer according to the general instructions of the District Magistrate or whether such authorisations and licences should be signed by the District Magistrate personally so long as the orders do not provide for the District Magistrates' authorising the District Supply Officers in this respect."

As held by this High Court in Criminal Revision Application No.614 of 1944 Imper at or Vs. S.S. Jamkhedkar, the validity of a licence depends upon whether it is issued by licensing authority and not upon whether the licence is signed by it. The District Magistrate can empower any of his subordinate officers to sign the licences on his behalf but the orders regarding issuing of a licence in every case should be passed by the District Magistrate who is the licencing authority. It would not be in order for the licensing authority to only law down the general policy in issuing the licences and empower the subordinate officer to issue the licences. The subordinate officer may sign the licences but the order regarding issue of licence in each case should be passed by the Licencing Authority. Attention is invited to R.L.A.'s opinion No.C-541, dated the 16th October 1952.

Sd/-
20-12
Remembrancer of Legal Affairs.

M.R.D.
21-7-56
C.4

U.R. to C.S.D. ,No. G.704,dated the 24th December 1952.